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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/978,059	10/17/2001	Koichi Ono	381HI/44039DV	4405

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EXAMINER

CHEVALIER, ROBERT

ART UNIT PAPER NUMBER

2616

DATE MAILED: 02/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/978,059

Applicant(s)

ONO ET AL.

Examiner

Bob Chevalier

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 17 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12, 13 and 15-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 12 and 13 is/are allowed.
- 6) ☒ Claim(s) 15-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 October 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☒ Certified copies of the priority documents have been received in Application No. 09/015,344.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 15-22 are rejected under 35 U.S.C. 102(b) as being anticipated by the submitted prior art of Krause et al (WO 96/33579).

Krause et al discloses a video recording/reproducing apparatus that shows all the limitations recited in claims 15-16, and 20, including the feature of the first memory to store the video data (See Krause et al's Figure 2, component 16), the feature of the first recorder/reproducer to record an output video signal from the first memory on a first recording medium and to reproduce a video signal from the first recording medium (See Krause et al's Figure 2, component 17), the feature of the second memory to store a video signal reproduced from the first recording medium (See Krause et al's Figure 2, component 21), the feature of the second recording/reproducer to record an output video signal from the second memory on a second recording medium, and to reproduce a video signal from the second recording medium (See Krause et al's Figure 2, component 20), and the feature of wherein a period for storing a video signal reproduced from said first recording medium on said second memory and recording an output video signal from said second memory on said second recording medium is shorter than a period for storing said video signal on said first memory and recording an output video signal from said first memory on said first recording medium as specified in

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the present claims 15-16, and 20. (See Krause et al's page 12, line 34, to page 13, line 7).

With regard to claim 17, the feature of the output data rate of the generator being set lower than a data rate of recording/reproducing video signals to/from the second recording medium as specified thereof is present in the cited reference of Krause et al. (See Krause et al's page 12, line 34, to page 13, line 7).

With regard to claims 18, and 21, the feature of wherein the video signal is reproduced from said first recording medium and stored on said second memory, and said output video signal from said second memory is recorded on a second recording medium each time a recording amount of said first recording medium reaches a specified value as specified thereof is present in the cited reference of Krause et al. (See Krause et al's page 13, lines 20-30).

With regard to claims 19, and 22, the feature of recording the video signal on the second recording medium intermittently as specified thereof is present in the cited reference of Krause et al. (See Krause et al's page 13, lines 20-30, and Figure 3B).

3. Claims 12-13 contain allowable subject matter over the prior art of record.

4. The following is a statement of reasons for the indication of allowable subject matter:

The claimed invention is directed to an apparatus for recording and playing back monitored video data. The independent claims identify the feature of "controlling so that reading video data from said first memory means and recording by said first recording & playback means are repeated each time the first specified data amount is reached in a

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recording operation, executing playback operation of said first recording & playback means and recording operation of said second recording & playback means in first operation mode so that those operations are stopped until the data recorded by said first recording & playback means and not played back yet reaches second specified data amount which is greater than said first specified data amount, setting second operation mode so that recording playback operations of said first recording & playback means are time-shared until data of said second specified data amount is played back completely, when said data recorded and not played back yet reaches said second specified data amount, and executing the recording of the data read by said second memory means at a specified transfer speed in second operation mode in which recording by said second recording & playback means is performed while feeding the magnetic tape continuously by forming tracks obliquely on said magnetic tape". The closest prior art, Krause et al discloses a conventional video recording/reproducing apparatus, either singularly or in combination fails to anticipate or render the above underlined limitations obvious.

### ***Conclusion***

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Nagasaki et al discloses a camera having two recording stages for recording the image signals.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-


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7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Groody can be reached on 571-272-7950. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

B. Chevalier  
February 17, 2006.

  
ROBERT CHEVALIER  
PATENT EXAMINER